



PATENT
P56258

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

TAE-YOUNG KIL

Serial No.: 09/801,807

Examiner: DANIEL JR., WILLIE J.

Filed: 9 March 2001

Art Unit: 2686

For: METHOD AND APPARATUS TO GENERATE AN ALARM ON
OCCURRENCE OF CELL SECESSION OF A MOBILE STATION IN A
MOBILE COMMUNICATION SYSTEM (as amended)

PETITION UNDER 37 C.F.R. §1.181

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully petitions that Applicant's Amendment After Final filed on 19 August 2004 was **INCORRECTLY** not to entered by the Examiner as noted in an October 6, 2004 Advisory Action, and respectfully requests that the August 19, 2004 Amendment After Final be **ENTERED** for the following reasons:

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I.D.: REB/HMZ/kf

STATEMENT OF FACTS

1. The Examiner, in the May 19, 2004 Final Office Action objected to claim 31 as not including a "." The Examiner then stated: " Appropriate correction is required." In addition, claims 25-31 were rejected under 35 USC 103 as unpatentable over the combination of three cited references.
2. An Amendment After Final was submitted to the US Patent and Trademark Office on August 19, 2004 in response to the May 19, 2004 Final Office Action. In the Amendment After Final, claims 25-31 were canceled and new claims 32-35 substituted therefor.
3. As noted on page 5 of the Amendment After Final: "Substitute claims 32-35 respectively correspond to canceled claims 28-31 after being rewritten to improve their clarity without changing their scope. In addition, minor informalities including that noted by the Examiner were corrected session it is submitted that substitute claims 32-35 meet all of the statutory requirements of 35 USC 112 as to form."
4. An October 6, 2004 Advisory Action was issued by the US Patent and Trademark Office in response to the Amendment After Final. In that Advisory Action, the Examiner did **NOT** enter the Amendment After Final as not being deemed to

place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

5. However, 37 CFR 1.116 (b) specifically states that "amendments [after final] may be made canceling claims are complying with any requirement of form expressly set forth in a previous Office action" (emphasis added).
6. Furthermore, 37 CFR 1.116 (b) also specifically states: "Amendments [after final] presenting rejected claims in better form for consideration on appeal may be admitted".

REMARKS

In view of the above, it is respectfully requested that the August 19, 2004 Amendment After Final be **ENTERED** since the substitute claims presented in the Amendment After Final merely correct the objection by the Examiner expressly set forth in the Final Office Action and further include amendments to the claims to correct other minor informalities and place the claims in better form for consideration on appeal.

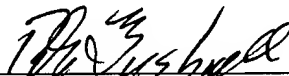
RELIEF REQUESTED

In view of the above, Applicant respectfully requests the Commissioner to:

- A. Enter the Amendment After Final filed on 19 August 2004; and
- B. Grant such other and further relief as justice may require.

Applicant believes that no fee is incurred by this Petition. Should any fees be incurred however, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,



Robert E. Bushnell
Attorney for the Applicant
Registration No.: 27,774

1522 "K" Street N.W., Suite 300
Washington, D.C. 20005
(202) 408-9040

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